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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,597	10/29/2003	Craig John Simonds	201-1109	6875

28415 7590 02/28/2005

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EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

V7

<div style="border: 1px solid black; padding: 5px; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center;"> <div style="font-size: 40px; margin: 0;">}</div> </div>	Application No. 10/696,597	Applicant(s) SIMONDS ET AL.	
	Examiner Thu Nguyen	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWalter et al (US 2003/0179233) in view of Mocek et al (US 2003/0182099) (Mocek '099 hereinafter).

As per claim 1, 4, 8-9, 11, McWalter teaches a system for providing vehicle context information for onboard vehicle devices, the system comprises: a monitor TCU for monitoring a plurality of onboard vehicle devices (MP3; safety devices, etc.) and acquiring data (para 0032; 0037; 0043); an application programming interface (para 0038-0039). McWalter does not explicitly teach identifying context information related to each vehicle devices, storing the vehicle context information for the vehicle devices, and downloading the vehicle context information to the requesting device. However, since McWalter teaches that the TCU includes a plurality of carlets for monitoring different onboard vehicle devices (para 0036), and transmitting data the TCU wants to present to the user to a user interface (para 0041-0043), McWalter obviously encompasses teaching identifying the context information related to each device in order to be able to provide specific data the TCU wants to present, and downloading the data to the output device. Moreover, McWalter teaches storing received information (para 0037).

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Furthermore, Mocek '099 teaches downloading context data to a requesting device (para 0036, 0038, 0046). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an application interface of Mocek to the system of McWalter in order to save data storage by downloading information when necessary.

As per claim 2-3, including address pointers, and look up table to facilitate retrieving specific information at a specific identified location in a memory would have been well known.

As per claim 5, since McWalter teaches the capability of monitoring status of different devices that perform different functions (para 0026), McWalter obviously includes teaching providing status and functionality of the devices.

As per claim 7, 10, providing wireless interface between devices, using a portable requesting emulator would have been well known.

As per claim 12, refer to claim 1 above. Moreover, McWalter teaches the capability of sensing the present of a plurality of onboard devices (para 0039). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend the ability to sense the present of other devices onboard the vehicle in order to determine available data from devices.

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As per claim 13-19, refer to claims 1-2, 5, 8-9 above. Further, McWalter teaches determining how to access the vehicle context information of the output devices (para 0043).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McWalter et al (US 2003/0179233) in view of Mocek et al (US 2003/0182099) (Mocek '099 hereinafter) and further in view of Mocek et al (US 2003/0182233) (Mocek '233 hereinafter).

As per claim 6, McWalter teaches including a personal device MP3, PDA, etc. (para 0032), and Mocek '233 teaches including onboard diagnostic device (para 0082). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a diagnostic device to the vehicle of McWalter in order to allow the user to perform vehicle diagnosis onboard the vehicle.

Response to Arguments

1. Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on page 6, last paragraph, and page 7, lines 1-2, the rejection set forth in the 35 USC 103 rejection above provides adequate relevant details that the examiner believes that the combined teaching of McWalter and Mocek obviously encompasses the teaching disclosed in the independent claims 1 and 12. Applicant does not explicitly explain the reason which should be supported with adequate technical analysis to prove that the cited relevant paragraph does not really disclose the claimed feature.

In response to applicant's argument on page 7, first two paragraphs, the following is a more detail explanation in response to applicant request to specifically pointing out the teaching:

Concerning the "identifying context information related to each vehicle devices", in para 0042-0043, McWalter teaches that the carlets access the vehicle interface devices using context information; then in lines 1-4 of para. 0041, McWalter teaches allowing the carlet to access the vehicle devices which the vehicle user interface devices are known to be present", therefore, at least the combined para. 0041-0043 obviously teaches identifying the context information related to vehicle devices, moreover, in para. 0039, McWalter teaches providing a list of choices to available devices, it would have been obvious that when all the devices in the vehicle are available, the context information will be identified for each devices.

Concerning storing the vehicle context information for the vehicle devices, in para. 0037, McWalter teaches allowing a public application program so that the carlets can write (ie. can store) and retrieve information from, therefore, McWalter obviously teach data storage device for storing the vehicle devices context information.

Concerning downloading the vehicle context information to the requesting device, in the last four lines of para. 0036, and para 0046, Mocek teaches downloading carlet to a requesting device.

In response to application argument on page 7, third paragraph, claim 6 were rejected in section 3 in the Office Action issued on September 9, 2004.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 18, 2005



THU V. NGUYEN
PRIMARY EXAMINER